

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0552-AGR-E **TCEQ ID:** RN101522233 **CASE NO.:** 33160
RESPONDENT NAME: Peter Wilfridus de Ridder dba de Ridder Dairy

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: de Ridder Dairy, located at 1572 County Road 202, Erath County</p> <p>TYPE OF OPERATION: Dairy</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 3, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lynley Doyen, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1364; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Peter Wilfridus de Ridder, Owner, de Ridder Dairy, 1572 County Road 202, Iredell, Texas 76649 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: March 9, 2007, April 4, 2007, April 17, 2007</p> <p>Date of NOEs Relating to this Case: March 30, 2007 and May 25, 2007 (NOE)</p> <p>Background Facts: Two records review and one routine investigation took place. Four violations were documented.</p> <p>WATER</p> <p>1) Failure to develop and operate under a comprehensive nutrient management plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"). Specifically, a CNMP was submitted to the TSSWCB for review, but the Respondent failed to respond to requests for additional information from the TSSWCB and the TCEQ [30 TEX. ADMIN. CODE § 321.42(s)].</p> <p>2) Failure to pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23001407 for Fiscal Years 2005, 2006, and 2007 [TEX. WATER CODE §§ 5.702 and 26.0135(h) and 30 TEX. ADMIN. CODE § 21.4].</p> <p>3) Failed to store stockpiled manure in a well drained area with no ponding of water and in a contained area where contaminated runoff would be retained on site [30 TEX. ADMIN. CODE § 321.39(f)(24)(B)].</p> <p>4) Failed to timely submit soil sample results to the TCEQ within 60 days of the sampling [30 TEX. ADMIN. CODE § 321.49(f)].</p>	<p>Total Assessed: \$3,542</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,542</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Three or more enforcement actions for the same violation were documented at the Facility within the last five years.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on May 9, 2007, the Respondent began operating under a CNMP certified by the TSSWCB.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit payment for all outstanding fees, including any associated penalties and interest;</p> <p>ii. Remove the stockpiles of manure from the calf lot on the east side of the Facility and relocate storage stockpiles to an area where contaminated runoff will drain into the retention control structure; and</p> <p>iii. Initiate employee and operator training to ensure that all record keeping and reporting requirements are properly accomplished, including the procedures for reporting the soil sample results within the required time frames.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	29-May-2007	Screening	13-Jun-2007	EPA Due	
	PCW	13-Jun-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Peter Wilfridus de Ridder dba de Ridder Dairy		
Reg. Ent. Ref. No.	RN101522233		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33160	No. of Violations	2
Docket No.	2007-0552-AGR-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **22% Enhancement** **Subtotals 2, 3, & 7** **\$242**

Notes

The penalty is enhanced due to four prior NOV's with violations same or similar as those cited in this action and one NOV with violations not same or similar to those cited in this action.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Extraordinary

Ordinary

N/A

Before NOV

NOV to EDPRP/Settlement Offer

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts

\$42

Approx. Cost of Compliance

\$775

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6

\$0

SUM OF SUBTOTALS 1-7

Final Subtotal

\$1,342

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

\$1,342

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$1,342

DEFERRAL

0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$1,342

Screening Date 13-Jun-2007

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Policy Revision 2 (September 2002)

Case ID No. 33160

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to four prior NOVs with violations same or similar as those cited in this action and one NOV with violations not same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 13-Jun-2007

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Policy Revision 2 (September 2002)

Case ID No. 33160

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 321.39(f)(24)(B)

Violation Description

Failed to store stockpiled manure in a well drained area with no ponding of water and in a contained area where contaminated runoff would be retained on site. Specifically, the investigator observed significant ponding or puddling and manure stockpiles located in a calf lot on the east side of the Facility in a location where contaminated runoff would not be directed to a retention control structure.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Runoff from an uncontained manure stockpile will or could expose human health or the environment to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

57 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the investigation date (April 17, 2007) through the date of screening (June 13, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

Economic Benefit Worksheet

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy
Case ID No. 33160
Reg. Ent. Reference No. RN101522233
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	17-Apr-2007	31-Jan-2008	0.8	\$1	\$26	\$28
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove the manure stockpiles to a contained location. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date 13-Jun-2007

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Policy Revision 2 (September 2002)

Case ID No. 33160

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 321.49(f)

Violation Description

Failed to timely submit soil sample results to the TCEQ within 60 days of the sampling. Specifically, sample results dated September 22, 2006 were not submitted to the TCEQ until December 1, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

57 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122

Economic Benefit Worksheet

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy
Case ID No. 33160
Reg. Ent. Reference No. RN101522233
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$25	21-Nov-2006	1-Dec-2006	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	21-Nov-2006	1-Jan-2008	1.1	\$14	n/a	\$14
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit soil sample results to the TCEQ and to update operational guidance and conduct employee training to ensure that future soil sample results are submitted on time. Date required is the date the soil sample results were due. Final dates are the dates that the soil sample results were submitted and the expected date that operational guidance and employee training will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

TOTAL

\$14

Compliance History

Customer/Respondent/Owner-Operator: CN600796742 DE RIDDER, PETER WILFRIDUS Classification: AVERAGE Rating: 2.00
Regulated Entity: RN101522233 DE RIDDER DAIRY Classification: AVERAGE Site Rating: 2.00
ID Number(s): WASTEWATER AGRICULTURE PERMIT WQ0003290000
Location: 1572 CR 202, ERATH CO, TX Rating Date: September 01 06
Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: June 13, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 13, 2002 to June 13, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lynley Doyen Phone: 512-239-1364

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 07/15/2002 (2644)
2 07/03/2003 (126173)
3 08/26/2004 (277938)
4 08/11/2005 (403409)
5 05/16/2006 (454892)
6 03/29/2007 (543643)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/12/2002 (2644)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 321, SubChapter B 321.41(a)(1)
Description: Failure to complete training requirements for facilities in the Dairy Outreach Program Areas

Date: 07/03/2003 (126173)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(24)(K)
Description: Failure to maintain earthen pen to prevent ponding in earthen pen

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(11)
Description: Failure to dewater to accommodate a 25-year/24 hour rainfall event

Date: 07/09/2004 (277938)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)
Description: Failure to submit soil sample results to the TCEQ within the required 60 days

Date: 08/08/2005 (403409)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.49(f)

Description: Failure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Failure to install and maintain a rain gauge capable of measuring the design rainfall event.

Date: 05/05/2006 (454892)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.49(f)

Description: Failure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Failure to install and maintain a rain gauge capable of measuring the design rainfall event.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	2-Apr-2007
	PCW	13-Jun-2007
	Screening	4-Apr-2007
	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Peter Wilfridus de Ridder dba de Ridder Dairy		
Reg. Ent. Ref. No.	RN101522233		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33160	No. of Violations	2	
Docket No.	2007-0552-AGR-E	Order Type	Findings	
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen	
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **10% Enhancement** **Subtotals 2, 3, & 7** **\$200**

Notes The penalty is enhanced due to five prior NOV's with violations not same or similar to those cited in this action.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$247** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$10,000** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$2,200**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$2,200**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$2,200**

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$2,200**

Screening Date 4-Apr-2007

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Policy Revision 2 (September 2002)

Case ID No. 33160

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced due to five prior NOVs with violations not same or similar to those cited in this action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 4-Apr-2007

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Policy Revision 2 (September 2002)

Case ID No. 33160

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 321.42(s)

Violation Description

Failed to develop and operate under a comprehensive nutrient management plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"). Specifically, a CNMP was submitted to the TSSWCB for review, but the Respondent failed to respond to requests for additional information from the TSSWCB and the TCEQ.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

58 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two monthly events are recommended from the February 5, 2007 deadline to submit requested information to the TSSWCB until the April 4, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$247

Violation Final Penalty Total \$2,200

This violation Final Assessed Penalty (adjusted for limits) \$2,200

Economic Benefit Worksheet

Respondent Peter Wilfridus de Ridder dba de Ridder Dalry
Case ID No. 33160
Reg. Ent. Reference No. RN101522233
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Dec-2006	9-May-2007	0.4	\$12	\$236	\$247
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a comprehensive nutrient management plan. Date required is the date the plan was required to be certified and implemented. Final date is the date compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$247

Screening Date 4-Apr-2007

Docket No. 2007-0552-AGR-E

PCW

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy

Policy Revision 2 (September 2002)

Case ID No. 33160

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101522233

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 2

Rule Cite(s) Tex. Water Code §§ 5.702 and 26.0135(h) and 30 Tex. Admin. Code § 21.4

Violation Description Failed to pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23001407 for Fiscal Years 2005, 2006, and 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

N/A

Adjustment \$10,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

No penalty is recommended because fees and interest will be assessed at the next billing cycle.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Peter Wilfridus de Ridder dba de Ridder Dairy
Case ID No. 33160
Reg. Ent. Reference No. RN101522233
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN600796742 DERIDDER, PETER WILFRIDUS Classification: AVERAGE Rating: 2.00
Regulated Entity: RN101522233 DERIDDER DAIRY Classification: AVERAGE Site Rating: 2.00
ID Number(s): WASTEWATER AGRICULTURE PERMIT WQ0003290000
Location: 1572 CR 202, ERATH CO, TX Rating Date: September 01 06
Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: April 05, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 04, 2002 to April 04, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lynley Doyen Phone: 512-239-1364

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/15/2002 (2644)
2 07/03/2003 (126173)
3 08/26/2004 (277938)
4 08/11/2005 (403409)
5 05/16/2006 (454892)
6 03/29/2007 (543643)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/12/2002 (2644)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 321, SubChapter B 321.41(a)(1)
Description: Failure to complete training requirements for facilities in the Dairy Outreach Program Areas

Date: 07/03/2003 (126173)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(24)(K)
Description: Failure to maintain earthen pen to prevent ponding in earthen pen

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(11)
Description: Failure to dewater to accommodate a 25-year/24 hour rainfall event

Date: 07/09/2004 (277938)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)
Description: Failure to submit soil sample results to the TCEQ within the required 60 days

Date: 08/08/2005 (403409)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.49(f)

Description: Failure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Failure to install and maintain a rain gauge capable of measuring the design rainfall event.

Date: 05/05/2006 (454892)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.49(f)

Description: Failure to submit soil analysis results to the TCEQ within 60 days of the date the samples are collected for analysis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(14)

Description: Failure to install and maintain a rain gauge capable of measuring the design rainfall event.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION**

CONCERNING

**PETER WILFRIDUS DE RIDDER DBA
DE RIDDER DAIRY**

RN101522233

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0552-AGR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Peter Wilfridus de Ridder dba de Ridder Dairy ("Mr. de Ridder") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. de Ridder presented this agreement to the Commission.

Mr. de Ridder understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. de Ridder agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. de Ridder.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Mr. de Ridder owns and operates a dairy located at 1572 County Road 202 in Erath County, Texas (the "Facility").

2. Mr. de Ridder has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During a record review on March 9, 2007, TCEQ staff documented that Mr. de Ridder had not developed and was not operating under a comprehensive nutrient management plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"). Specifically, a CNMP was submitted to the TSSWCB for review, but Mr. de Ridder failed to respond to requests for additional information from the TSSWCB and TCEQ.
4. During an overdue fee review on April 4, 2007, TCEQ staff determined that Mr. de Ridder had not paid outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account No. 23001407 for Fiscal Years 2005, 2006, and 2007.
5. During an investigation on April 17, 2007, TCEQ staff observed significant ponding or puddling and manure stockpiles located in a calf lot on the east side of the Facility in a location where contaminated runoff was not directed to a retention control structure.
6. During an investigation on April 17, 2007, TCEQ staff documented that the soil sample results were not submitted to the TCEQ within 60 days of the sampling. Specifically, the sample results dated September 22, 2006 were not submitted to the TCEQ until December 1, 2006.
7. Mr. de Ridder received notices of the violations on April 4, 2007 and May 30, 2007.
8. The Executive Director recognizes that on May 9, 2007, Mr. de Ridder began operating under a CNMP certified by the TSSWCB.

II. CONCLUSIONS OF LAW

1. Mr. de Ridder is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Mr. de Ridder failed to develop and operate under a CNMP certified by the TSSWCB, in violation of 30 TEX. ADMIN. CODE § 321.42(s).
3. As evidenced by Findings of Fact No. 4, Mr. de Ridder failed to pay outstanding Consolidated Water Quality fees and associated late fees, in violation of TEX. WATER CODE §§ 5.702 and 26.0135(h) and 30 TEX. ADMIN. CODE § 21.4.
4. As evidenced by Findings of Fact No. 5, Mr. de Ridder failed to store stockpiled manure in a well drained area with no ponding of water and in a contained area where contaminated runoff would be retained on site, in violation of 30 TEX. ADMIN. CODE § 321.39(f)(24)(B).

5. As evidenced by Findings of Fact No. 6, Mr. de Ridder failed to timely submit soil sample results to the TCEQ within 60 days of the sampling, in violation of 30 TEX. ADMIN. CODE § 321.49(f).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. de Ridder for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Three Thousand Five Hundred Forty-Two Dollars (\$3,542) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Mr. de Ridder has paid the Three Thousand Five Hundred Forty-Two Dollar (\$3,542) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. de Ridder is assessed an administrative penalty in the amount of Three Thousand Five Hundred Forty-Two Dollars (\$3,542) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. de Ridder's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Peter Wilfridus de Ridder dba de Ridder Dairy, Docket No. 2007-0552-AGR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. de Ridder shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Re: Peter Wilfridus de Ridder dba de Ridder Dairy, TCEQ Account No. 23001407," to the address referenced in Ordering Provision No. 1 above;

- ii. Remove the stockpiles of manure from the calf lot on the east side of the Facility and relocate storage stockpiles to an area where contaminated runoff will drain into the retention control structure; and
 - iii. Initiate employee and operator training to ensure that all record keeping and reporting requirements are properly accomplished, including the procedures for reporting the soil sample results within the required time frames.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. de Ridder. Mr. de Ridder is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. de Ridder fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. de Ridder's failure to comply is not a violation of this Agreed Order. Mr. de Ridder shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. de Ridder shall notify the Executive Director within seven days after

Mr. de Ridder becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.


5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. de Ridder shall be made in writing to the Executive Director. Extensions are not effective until Mr. de Ridder receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. de Ridder if the Executive Director determines that Mr. de Ridder has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against Mr. de Ridder in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Peter Wilfridus de Ridder dba de Ridder Dairy
DOCKET NO. 2007-0552-AGR-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/29/07

Date

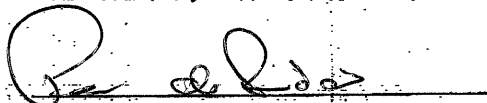
I, the undersigned, have read and understand the attached Agreed Order in the matter of Peter Wilfridus de Ridder dba de Ridder Dairy. I am authorized to agree to the attached Agreed Order on behalf of Peter Wilfridus de Ridder dba de Ridder Dairy, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Peter Wilfridus de Ridder dba de Ridder Dairy waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.


In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

8-29-07

Date



Name (Printed or typed)
Authorized Representative of
Peter Wilfridus de Ridder dba de Ridder Dairy

Owner

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$
for $x \in \mathbb{R}$. It is shown that $f(x)$ is an odd function and that $f(x) \in C^1(\mathbb{R})$. Moreover, it is proved that $f(x)$ is a strictly increasing function and that $f(x) \in C^2(\mathbb{R})$.

2. In the second part of the paper, we study the properties of the function $g(x)$ defined by the equation $g(x) = \int_0^x \frac{1}{1+t^2} dt$ for $x \in \mathbb{R}$. It is shown that $g(x)$ is an even function and that $g(x) \in C^1(\mathbb{R})$. Moreover, it is proved that $g(x)$ is a strictly increasing function and that $g(x) \in C^2(\mathbb{R})$.

3. Finally, we study the properties of the function $h(x)$ defined by the equation $h(x) = \int_0^x \frac{1}{1+t^2} dt$ for $x \in \mathbb{R}$. It is shown that $h(x)$ is an odd function and that $h(x) \in C^1(\mathbb{R})$. Moreover, it is proved that $h(x)$ is a strictly increasing function and that $h(x) \in C^2(\mathbb{R})$.

4. Finally, we study the properties of the function $k(x)$ defined by the equation $k(x) = \int_0^x \frac{1}{1+t^2} dt$ for $x \in \mathbb{R}$. It is shown that $k(x)$ is an even function and that $k(x) \in C^1(\mathbb{R})$. Moreover, it is proved that $k(x)$ is a strictly increasing function and that $k(x) \in C^2(\mathbb{R})$.